LIBRARY
SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
APR 4 1968
JOHN F. DAVIS, CLERK

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1967

No. 961

WILLIAM HETTLEMAN, PALMER D. EDMUNDS, and J. EDWARD JONES,

Appellants,

vs.

CHICAGO LAW INSTITUTE, ET AL.,

Appellees.

On Appeal From The Supreme Court of Illinois

PETITION FOR REHEARING

Julius L. Sherwin,
7 S. Dearborn Street,
Chicago, Illinois 60603,

Attorney for Petitioners.

Of Counsel:
William Hettleman,
Palmer D. Edmunds,
J. Edward Jones.

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1967

NO. 968

WILLIAM HETTLEMAN, PALMER D. EDMUNDS, and J. EDWARD JONES,

Appellants,

vs.

CHICAGO LAW INSTITUTE, ET AL.,

Appellees.

On Appeal From The Supreme Court of Ill.

PETITION FOR REHEARING

To The Honorable Chief Justice and Associate Justices of the Supreme Court of the U.S.:

Come now William Hettleman, Palmer D. Edmunds, and J. Edward Jones, appellants in the above case, and present this, their petition, for a rehearing of the above case; and, in support thereof, show respectfully:

1. On Monday, March 11, 1968, this Honorable Court entered an order and per curiam opinion in the above case which reads:

"The motion to dismiss is granted, and the appeal dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied."

2. It is assumed that the jurisdictional defect was that alleged in the motion to dismiss the appeal; namely, appellants' failure to comply with a procedural rule 35 of the Illinois Supreme Court.

3. The motion to dismiss the appeal alleged that the Supreme Court of Illinois denied leave to appeal to it solely on this non-federal issue.

4. Appellants' Reply to the motion to dismiss demonstrated (pp. 20-22) from the appellees' own answer that the merits on the federal claims had been examined and found wanting, and from which it appears that the Supreme Court may have rested its denial for leave to appeal to it on this ground also. Its order of denial was not accompanied with an opinion. For aught, the latter may have been the sole ground because to have rested its denial on the alleged failure to comply with Rule 35 would have required self-stultification, as argued at some length by appellants (Jurisdictional Statement 39,

first paragraph - 40;appellants' brief reply to motion to dismiss 19,last paragraph - 23).

5. In anticipation of this appeal,application was made,on August 4,1967, to the Chief Justice of the Illinois Supreme Court for a certificate of reasons which was denied,properly so perhaps because no Notice of Appeal was filed till September 15,1967,and there was no assurance that any appeal would be prosecuted. Had review been granted,appellants' intent was to move for leave to apply for such certificate.

6. Justice requires,in a full consideration of this case, that an opportunity be granted appellants to apply again to the Illinois Supreme Court that the sole ground for denial of leave to appeal was that the federal claims had no merit.

WHEREFORE, it is prayed respectfully that leave be granted to apply for such certificate and to file it in this case,and that the order of March 11,1968 be thereupon vacated and the case redocketed.

Respectfully submitted,

JULIUS L. SHERMAN
7 S. Dearborn Street
Chicago,Illinois 60603
Attorney for Petitioners

Pursuant to Rule 58,I hereby certify that the foregoing is presented in good faith,not for delay, and is restricted to the grounds specified in par. 2 thereof.

Julius L. Sherman